

# **RICHMOND POLICE COMMISSION**

**Wednesday, April 4, 2007 – 7:00 p.m.  
Community Services Building  
330 - 25<sup>th</sup> Street  
Conference Room 1**

## **MINUTES**

### **I CALL TO ORDER (Roll Call) (Chair Naomi Williams)**

The meeting was called to order at 7:00 p.m. by Chair Naomi Williams

#### **ROLL CALL**

**Present:** Nemy Bautista  
Robert Ham  
Dolores Hembree  
Cochise Potts  
Glenn Stephenson  
Chris Tallerico  
Cora J. Ward  
Naomi Williams  
Don Zingale

**Absent:** None

**Vacancies:** None

**Administrative Staff Present:** Don Casimere, Confidential Investigative & Appeals Officer  
Malia Glover, Administrative Secretary

### **II APPROVAL OF MINUTES – March 7, 2007**

Upon motion by **Commissioner Potts** and second by **Commissioner Tallerico** the minutes for the regular meeting of March 7, 2007, were approved as written with one abstention.

### **III PARKS AND LANDSCAPING – REPORT ON NEW PARK RANGER CLASSIFICATION (Tony Norris)**

**Parks Superintendent Tony Norris** reported on the proposed Park Ranger position. He distributed a draft copy of the job description. They will be considering the position at the Parks and Recreation Commission meeting this evening. If the Personnel Board approves it, they will include it in next year's budget and begin the hiring process. In discussions with Chief Magnus and his staff, the Parks and Recreation Committee and himself, they came to the conclusion that the position should be a non-sworn position

attached to the Parks and Landscaping Division. The Park Ranger would patrol parks for things such as graffiti, dumping, leash law violations, etc. They believe it will make for a better and stronger community and that it will ease the burden on the Police Department. The Park Rangers will also assist in community policing programs and park watch programs. The rangers will also lead several volunteer activities and habitat restoration programs. **Mr. Norris** encouraged the Commission to embrace the concept.

**Chair Williams** asked if rangers would be accompanied by sworn officers when issuing citations. **Mr. Norris** said no; they will be trained to handle the situation.

**Commissioner Hembree** asked where rangers would patrol. **Mr. Norris** said it would be the central Richmond greenway. They would also be inspecting the park restrooms as well as unlocking them in the morning and locking them in the evening.

**Commissioner Zingale** asked why not have a sworn officer as a park ranger. **Chief Magnus** said it would involve other issues such as training, POST requirements, etc. He said a well trained civilian as a park ranger is a good way to start.

**Commissioner Potts** asked how many rangers will be hired. **Mr. Morris** said they will request five positions.

**Commissioner Bautista** asked who would train the rangers. **Mr. Morris** said he would train them, as well as some additional training from the police department.

**Commissioner Tallerico** said graffiti and loitering in the parks are most often associated with gang activity. He said that a non-sworn, unarmed person may be put in a dangerous situation. **Mr. Norris** said with the type of training they will be given, they will know when to call for back up.

**Commissioner Stephenson** thanked **Mr. Norris** for giving his presentation.

#### **IV REPORT BY CHIEF OF POLICE (Chris Magnus or his representative)**

A. Briefing on RPD's Policy on Interfacing with Immigration and Customs Enforcement (ICE)

**Chief Magnus** said they have a somewhat complicated but good, constructive working relationship with ICE. They work with ICE on gang related intelligence gathering, gang related enforcement efforts, and information sharing as it relates to the MS-13 gang. They've actually been successful in making some arrests of MS-13 gang members and leaders. They have worked with ICE on issues regarding fugitives who are wanted in connection with Richmond related crimes. ICE also has their day to day deportation teams. Richmond City Council has adopted an ordinance that essentially creates Richmond as a "sanctuary" from immigration deportation rules. Chief Magnus said that every time they come into contact with someone who may be illegal in this country, they are not to contact immigration officials for them to be deported. That's the policy that the council

has adopted and they follow it. He still has some ability, as chief, to give exceptions to that based on particular law enforcement needs. If they are dealing with a felon or gang member or other criminal, they will transport that person to the county jail and the county jail will notify whoever needs to be notified, including immigration officials if someone is here illegally.

**Chief Magnus** told the Commission that the check points they have been conducting are not about immigration or racial issues. They relate to traffic safety and whether or not people have a valid driver's license and that their vehicle is properly registered and insured. Chief Magnus said there are many hit and run accidents and accidents that involve pedestrians also. He said an added side benefit of the check points is the apprehension of wanted criminals and deterring and interfering in criminal activity. These check points are conducted in all areas of the city; they are not limited to one particular neighborhood or any particular time of day. They've had three so far and the fourth has been put on hold because of a U.S. Ninth Circuit Court of Appeals ruling which is being examined by police departments all over the state. That ruling has to do with whether or not police can tow or impound vehicles driven by drivers whose only offense is that they are unlicensed. If they are unlicensed, then under most circumstances, the vehicle cannot be towed. This ruling supersedes the California Vehicle Code. They are looking into what they need to do to be in compliance with this ruling.

**Chair Williams** asked what they would do if the driver had no proof of insurance.

**Sgt. Allwyn Brown** said the federal court ruling basically says it may be a 4<sup>th</sup> amendment violation. The set of traffic enforcement laws they deal with in Richmond are California law and their authority to impound the vehicle is codified in the California law. The one specific code that allows them to impound the car is specifically for the driver who is unlicensed who has never had a driver's license. This federal court ruling impacts that one impound authority.

**Commissioner Zingale** asked what happens to the car. **Chief Magnus** said they either allow a licensed driver to drive the car or it must be parked.

**Commissioner Potts** said that he was an observer of the first checkpoint and he saw no profiling. It went very smoothly. He commends Sgt. Brown on the whole operation. He also asked for clarification on the ruling.

**Sgt. Brown** explained that there are three different driver's license violations that an officer can cite for. The lesser of the three is not having your driver's license. They give a fix it ticket for that violation. The next is a misdemeanor which is an unlicensed driver who has never had a license. The third is driving on a suspended or revoked license. To be a suspended or drunk driver you don't have to have necessarily been issued a driver's license. The federal court ruling doesn't affect an officer's ability to impound the vehicle of a driver whose license is suspended or revoked. **Chief Magnus** said they can't impound a vehicle

for category one or two but they can for category three. There are even a few cases in the first two categories where they could impound as well.

**Commissioner Tallerico** said he believes the checkpoints are extremely valuable to the City. He asked about the impound authorities. **Sgt. Brown** said the impound authorities are in section 22651 of the California Vehicle Code, subsection (p). That's the authority they use to impound suspended or revoked drivers or a driver who is unlicensed.

**Commissioner Bautista** asked if ICE contacts RPD first before going to an individual's home. **Chief Magnus** said no; they have federal authority that allows them to conduct their enforcement activities within this community without having to make any notification.

**Chief Magnus** reported that they have completed all but one Beat meeting. The meetings went well with a lot of positive feedback. They will meet tomorrow night with Beat #6. He gave the commissioners a copy of the Beat Ownership Checklist. The Chief said the LEAD campaign for hiring is in full swing. The website has had many hits. The recruiters are very busy with interest that has been generated by this campaign. They've also made good progress with the work on the Sick Leave Policy. **Chief Magnus** said they've been working with Lonnie Hancock's office on helping with data gathering related to legislation that will tighten regulatory requirements on problem liquor stores. The Chief reported that they now have a background review process in place. It ensures that there is a separate, independent review from the recruiting office.

**Commissioner Bautista** asked for a progress report on the Cinco de Mayo celebration. **Chief Magnus** said they have meetings every Thursday with the 23<sup>rd</sup> Street Business Association. The plan is to close off 23<sup>rd</sup> Street from Friday evening through Sunday morning. There will be a parade and booths, along with other activities, on 23<sup>rd</sup> Street. It will be geared toward families and they hope to stop some of the problems that have occurred in previous years. **Commissioner Bautista** asked if Police Commissioners will be allowed to be observers. The Chief said they will ask Police Commissioners and other volunteers to help.

**Chair Williams** said she heard that advertising has gone out to all parts of the bay area and there may be approximately 15,000 people attending the celebration. She asked if they will have assistance from the CHP. **Chief Magnus** said they will be working the CHP, Sheriff's Department, and San Pablo Police Department.

**Commissioner Tallerico** asked how many blocks the festival area would include and if the area would be fenced off. **Chief Magnus** said it may be five blocks and the entire area would not be fenced off.

**Commissioner Potts** asked if any vendors would be serving alcohol. **Chief Magnus** said the merchants requested that this be an alcohol free event.

**Commissioner Hembree** said she thought the fencing idea was fantastic. She said last year during the parade, at the corner of the south side of 23<sup>rd</sup> at Garvin, there were barricades up but people continued to drive through into the parade route. **Chief Magnus** said the entire street will be closed this year. There will also be private security to help monitor barricades. **Commissioner Hembree** said she was concerned that advertisements for the celebration went out before anyone got any permits. It will bring a lot of people into the city and there is minimal parking.

**V REPORT BY POLICE OFFICER ASSOCIATION REPRESENTATIVE**

No report.

**VI REPORT BY GUARDIANS OF JUSTICE ASSOCIATION REPRESENTATIVE**

**Michelle Arriaga** reported for the GOJ. **Off. Danny Harris**, Member at Large, also attended the meeting. She reported that their first annual crab feed was very successful. They earned \$5,000.00 for the scholarship fund. They presented the first \$ 500.00 scholarship that evening to the sister of Off. Kaliah Harper. They will award a \$500.00 scholarship every month so that schools have the opportunity to get the word out to the students giving them time to apply. Criteria will be established and posted on their website. The Explorers assisted at the crab feed and received a donation for their services. **Ms. Arriaga** said they will have an overnight bus trip to Reno on June 30<sup>th</sup>. There will be two busses; one will benefit PAL and the other, the GOJ Scholarship Fund. They will also have a Christmas holiday dance/buffet event on December 1<sup>st</sup> at the Doubletree Hotel in Berkeley. **Officer Harris** reported that they had the opportunity to hold the 2006 Volunteer Appreciation Ceremony at the Council Chambers last Monday evening. Volunteers such as the Richmond Police Explorers and Richmond Police Department volunteers were honored.

**Commissioner Hembree** asked how many explorers there were and if they had to pay for their own uniforms. **Off. Harris** said there are 30 presently and they have 10-15 others who are interested in becoming Explorers. They buy the uniforms with donations.

**Commissioner Ham** asked if the Explorers were independent of the Boy Scouts. **Off. Harris** said they are governed, to a certain degree, by the Boy Scouts of America but they are generally under the Learning for Life organization.

**VII REPORT BY LATINO POLICE OFFICER ASSOCIATION REPRESENTATIVE**

No report.

## VIII PUBLIC FORUM

**Donald Lamar Seals** spoke regarding a complaint he filed in 2002. **Chair Williams** referred him to the City Attorney.

## IX REPORT BY CONFIDENTIAL IAO

**CIAO Don Casimere** said he attended the Chief's reception. It was a well attended event. He said the Commission has received one complaint in the past month.

**Commissioner Tallerico** asked if any response had been received from the three letters that the Commission sent to the DA's Office, PG&E and EBMUD. **Mr. Casimere** said there have been no responses; he thanked **Commissioner** Tallerico for volunteering to draft those letters.

## X REPORTS OF SUBCOMMITTEES

### A. West County Alcohol Policy Working Group

**Commissioner Williams** said she had no report this month.

### B. Church & Neighborhood Council Outreach Committee (Commissioner Cora Ward)

**Commissioner Ward** said she will give a presentation on Monday, April 9, 2007, to the Richmond Neighborhood Coordinating Council. She attended a church presentation with Al Martinez on March 31, 2007. She also attended the LPOA crab feed.

### C. Reports on Community Events/Training Attended

#### Commissioner Tallerico

- Attended the GOJ and LPOA crab feeds
- Attended RPD Volunteer and Explorer Awards
- Served on Police Department oral board
- Ride-along on 3/25/07 with Off. Silva
- Attended Sick Leave Policy Review meeting
- Attended Chief's reception

#### Commissioner Potts

- Attended board meeting for the TAB program and also accepted a seat on their board of directors. It targets at-risk youth and young adults to get them ready to become merchant seamen.

**Commissioner Ham**

- Ride-along with Off. Hauschild
- Attended Sick Leave Policy Review meeting
- Attended City Council meeting – spoke in favor of creation of a position of Director of Neighborhood Safety

**Commissioner Stephenson**

- Attended a ceremony at Bethel Temple Church
- Toured the Communications Center
- Attended Sick Leave Policy Review meeting

**Commissioner Bautista**

- Attended two City Council meetings
- Attended May Valley Neighborhood Council meeting

**Chair Williams** introduced **Commissioner Bautista** as the newest appointed commissioner. He previously served on the Commission for nine years and has returned after taking a one year break.

**Commissioner Hembree**

- Toured the Communications Center on 3/14/07
- Served on Police Department oral board
- Attended Chief's reception

**Chair Williams**

- Attended City Council meeting
- Attended GRIP Board Meeting
- Attended Crime Prevention Executive Board Meeting
- Attended RNCC Meeting
- Attended Crime Prevention Meeting
- Attended West County Alcohol Policy Working Group Meeting
- Attended RPD Sick Leave Policy Meeting

**XI EXECUTIVE SESSION: Public Employee Performance and Discipline/Release (Police Officers)**

**A. Discussion Regarding Complaints Received in the Past Month and Past Complaints**

One new complaint this month.

**Chair Williams** requested that the Commissioners try to attend the Public Safety Committee Meeting tomorrow at 10:30 at the Council Chambers. One of the topics will be background investigations for Police Commissioners.

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**XII ADJOURNMENT**

Upon motion by **Commissioner Stephenson** and second by **Commissioner Potts**, the meeting was adjourned at 8:58 p.m.

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**Don Casimere**  
**Confidential Investigative & Appeals Officer**